

REMARKS

Claims 1-7, 11-17 and 21-30 have been canceled herewith without prejudice or disclaimer. Accordingly, claims 8-10 and 18-20 are currently pending in the application.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 8, 11-13, 18, 21-23 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kori et al. (U.S. Patent Application Publication No. 2004/0028385). Applicants respectfully traverse.

Claim 8 recites both first reproduction limit information and second reproduction limit information. The first reproduction information is separately recorded from the recording information. The second reproduction limit information is embedded on the recording information. Claim 8 also recites a confirming device and an output control. The confirming device confirms whether the first reproducing limit information matches the second reproducing limit information. The output control supplies the recording information based on the first reproducing limit information only when the confirming device confirms that the first reproducing limit information matches the second reproducing limit information. Kori does not teach this combination of features at all, and therefore, claim 8 is allowable over Kori. For example, Kori lacks at least first and second reproduction limit information as specifically claimed.

Kori also lacks the combination of a confirming device and an output control device as claimed. In the claimed invention, the confirming device confirms whether the first and second reproducing limit information match, and the output control supplies the recording information

only when the confirming unit confirms a match. The Examiner asserts that Kori paragraph [0098] teaches an output control device. However, the structure taught by paragraph [0098] cannot be considered an output control device as claimed.

Kori teaches that copying history information is stored in the copying information management memory 52. Initially, if the history information management memory 52 does not include any copying history information, the ID and the permitted number of times of copying added to the music data is copied to the memory 52 (*see* paragraph [0097]). Then, the control section 50 decrements the permitted number of times of copying in the memory 52 until it reaches 0. Once the copying history information management memory 52 is 0, the control section 50 inhibits copying (*see* paragraphs [0098] and [0099]). Thus, copying is prohibited by a control section 42 when the memory 52 indicates that 0 times of copying is permitted. When the memory 52 indicates 1 or more times of copying permitted, it does not cause the control section 42 to prohibit copying.

The Office Action asserts that when the information management memory 52 indicates that 0 times of copying are permitted and the control section 42 inhibits copying, that this constitutes not matching. However, the process described by the Examiner does not constitute a confirming device which confirms matching and an output control device which operates based on the match as claimed. Initially, it is unclear what value the Examiner is comparing to the 0 of the memory 52 to determine that there is no matching. However, it is noted that claim 1 recites that the confirming device confirms whether the claimed first reproducing limit information and second reproducing limit information match. Thus, the confirming device determines whether it

this specifically claimed information matches, not any information generally. Regardless, a single example of copying being prohibited when two things do not match would not meet the present claim. Kori simply states that if the information stored in the memory 52 is 0, the control section 42 inhibits copying. The presence of the 0 in the memory 52 causes the control section 42 to inhibit copying. Conversely, if the memory 52 indicates one or more, it is decremented and does not trigger the control section 42 to inhibit copying. There is no matching this information with other reproducing limit information to determine whether this function is triggered, rather it is just determined whether the memory indicates 0 or 1 or greater. Accordingly, Kori does not teach a confirming device and output control device as claimed and claim 8 is allowable over Kori.

Claim 18 is also allowable over Kori at least for reasons similar to claim 8.

Claims 1-3, 11-13, 21-23 and 28 have been canceled, rendering their rejection moot.

Claim Rejections - 35 U.S.C. § 103

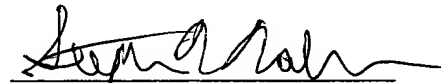
Claims 4-7, 9, 10, 14-17, 19, 20, 24-27, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kori et al. (U.S. Patent Application Publication No. 2004/0028385) and further in view of Kato (U.S. Patent No. 6,343,281). Since claims 9 and 10 depend upon independent claim 8 and claims 19 and 20 depend upon independent claim 18 and since Kato does not cure the deficient teachings of Kori with respect to the independent claims, Applicants submit that claims 9, 10, 19 and 20 are allowable at least by virtue of their dependency. Claims 4-7, 14-17, 24-27, 29 and 30 have been canceled, rendering their rejection moot.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: May 26, 2006